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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,503	08/05/2003	Christian Barckhahn	60013023-2	8681

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EXAMINER	
NGUYEN, LAM S	
ART UNIT	PAPER NUMBER
2853	

DATE MAILED: 05/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)	
10/634,503	BARCKHAHN ET AL.	
Examiner	Art Unit	
LAM S NGUYEN	2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-3,15-19 and 22-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 15,23 and 24 is/are allowed.
- 6) Claim(s) 1-3,16-19,22 and 25-31 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 05 August 2003 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 08/05/2003.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 3, 29-31 are rejected under the judicially created doctrine of double patenting over claim 1, 12, 13 of U. S. Patent No. 6655782.

Claims 16, 18-19, 22, 26, 28 are rejected under the judicially created doctrine of double patenting over claim 12 of U. S. Patent No. 6655782.

The above claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter.

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-2, 16-19, 22, 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wen (US 6109745) in view of Bruning (US 5982475).

Wen discloses a method of printing an image with an inkjet printer system having an inkjet printer device (FIG.1), said printer device comprises a printhead arranged to print swaths of image content parallel to a first axis on a print medium, said swaths having a width W in a second axis substantially perpendicular to said first axis (column 2, lines 41-52), said method comprising the steps of:

 determining the length L of said image in said second axis, cropping/resizing said image (FIG. 4, steps 610, 670, 690, 540, 650, 680), and printing said cropped image (FIG. 4, step 690, 800).

Wen does not disclose that cropping/resizing said image such that said cropped/resized length of said image in said second axis is substantially an integer multiple of said swath width: $\text{INT}(L/W)$.

Bruning discloses a printing device for forming an image on a substrate by multiple scans, in which "a full image pattern can be scanned onto the substrate in an integer number of scans" in order to minimize the number of scans required for each image area (Abstract and column 2, lines 9-11).

Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to modify printing system disclosed by Wen such that resizing the image such that the resized image length is substantially an integer multiple of a swath width as disclosed by Bruning. The motivation of doing so is to minimize the number of scans required for each image area and maximize the total image area that can be scanned per time unit as taught by Bruning (Abstract).

Wen also discloses the following claimed invention:

Referring to claim 19: further comprising an associated host device, such as a personal computer (FIG. 1, element 20).

2. Claims 3, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wen (US 6109745) in view of Bruning (US 5982475), as applied to claims 1 and 29, and further in view of Seivert et al. (US 6012792).

Wen, as modified, discloses the claimed invention as discussed above except comprising the step of scanning said image prior to the step of determining said length of said image in said second axis.

Seivert discloses a full color copier in which an image is scanned to produce image data and then the image data is inputted to an inkjet printer for printing the image (Abstract and FIG. 5, step 506).

Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to modify printing system disclosed by Wen, as modified, such that including the step of scanning the image to produce an image data file as disclosed by Seivert for determining the length of the image. The motivation of doing so is to provide a copier employing high speed inkjet printers having densely inked areas by substantially reducing ink pen starvation, droplet trajectory errors, and fuzzy text edges as taught by Seivert (column 1, lines 7-13).

Allowable Subject Matter

2. Claims 15, 23, 24 are allowed.

The most pertinent art fails to disclose the steps of determining the number of swaths required to print said image and if said determined number is not an integer number, resizing said image such that said resized image length in said second direction is substantially equal to INT(L/W). Therefore, the claimed invention is not disclosed by the prior arts.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAM S NGUYEN whose telephone number is (571)272-2151. The examiner can normally be reached on 7:00AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, STEPHEN D MEIER can be reached on (571)272-2149. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LN
May 13, 2004

Hai Pham
HAI PHAM
PRIMARY EXAMINER